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VIA ECF

August 19, 2009

The Honorable Sue L. Robinson
United States District Court
for the District of Delaware
844 King Street
Wilmington, DE 19801

Re: *Callaway Golf Company v. Acushnet Company*
USDC-D. Del. - C. A. No. 06-91 (SLR)



ATLANTA

AUSTIN

BOSTON

DALLAS

DELAWARE

MUNICH

NEW YORK

SAN DIEGO

SILICON VALLEY

TWIN CITIES

WASHINGTON, DC

Dear Judge Robinson:

Enclosed please find a copy of the decision issued last week in this matter by the United States Court of Appeals for the Federal Circuit. Given the importance of securing a resolution in this matter as soon as possible,¹ Callaway Golf respectfully requests the convening of a teleconference to discuss scheduling another trial at the Court's earliest convenience.

Respectfully,

/s/ *Thomas L. Halkowski*

Thomas L. Halkowski

TLH:jrm

Enclosure

cc: Clerk of Court (via hand delivery)
Counsel of Record (via ECF)

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¹ As the Court may recall, Acushnet breached a contract by commencing reexaminations of the patents-in-suit. Acushnet seeks to benefit from its breach and avoid a judgment on the merits in this matter by pursuing its reexaminations. *See, e.g.,* D.I. 489 at 5 (Acushnet's Executive Vice President, Mr. Joseph Nauman, "This is a little bit of a race."). The Federal Circuit remand ensures the continuation of the "race" created by Acushnet between the reexaminations and the litigation.